

REMARKS

I. Claim Rejections under 35 U.S.C. § 112.

Claims 1-39 and 58-60 stand rejected under 35 U.S.C. § 112, first paragraph, because the limitation regarding an image of a moving object being “enhanced relative to an image of a relatively stationary object if the moving object moves relative to the stationary object” in claims 1, 22, and 31 is allegedly not described in the specification in a way to convey one skilled in the art that the inventor has possession of the claimed invention. Applicant respectfully directs the Examiner’s attention to at least paragraphs 28-30 and 38, and figure 8 of the subject application, which describe one embodiment of enhancing an image based on object movement. In this embodiment, the image enhancement is performed based on object movement because when an object A moves relative to a stationary object B, the described image enhancement technique will result in enhancement of the image of the object A relative to the stationary object B (e.g., image of object A would be more noticeable relative to object B because the appearance of object B would be reduced). On the other hand, if the same object A remains stationary relative to the stationary object B, the described image enhancement technique will not result in enhancement of the image of the object A relative to the stationary object B. Thus, the above referenced passages describe an embodiment including enhancing an image of an object if the object moves relative to the stationary object. Therefore, the above limitation is described in a way so as to convey one skilled in the art that the inventor has possession of the claimed invention. For at least the foregoing reasons, Applicant respectfully requests that the § 112 rejection be withdrawn.

II. Claim Rejections under 35 U.S.C. § 102

Claims 1-3, 7-9, 12-14, 18, 20, 23-27, and 31-36 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. 2003/0086596 (Hipp). Applicant respectfully notes that in order to sustain a claim rejection under § 102, each of the claim elements must be disclosed, either expressly or inherently, in the cited reference.

Claim 1 recites enhancing a feature of the input image *based on a motion* of a moving object (Emphasis Added). Claims 22 and 31 recite similar limitations. Hipp does not disclose or

suggest the above limitation. Rather, Hipp discloses identifying a vertebrae, and then enhancing the edge of the identified vertebrae. Thus, in Hipp, the object (the vertebrae) is enhanced based on an identification of the object, and not *based on a motion* of the object. There is nothing in Hipp that discloses or suggests enhancing an image of an object based on a *motion* of the object. This is further supported by the fact that, in Hipp, the vertebrae is always enhanced regardless of whether the vertebrae is moving or not – i.e., the vertebrae is enhanced even when it is stationary. For at least the foregoing reasons, claims 1, 22, and 31, and their respective dependent claims, are believed allowable over Hipp.

Claim 1 also recites that the act of enhancing is performed such that an image of the moving object is enhanced relative to an image of a relatively stationary object *if the moving object moves relative to the stationary object* (Emphasis Added). Claims 22 and 31 recite similar limitations. Hipp also does not disclose or suggest the above limitation. As discussed, Hipp teaches enhancing an image of the vertebrae based on an identification of the vertebrae. Thus, in Hipp, the vertebrae is always enhanced regardless of whether it is moving or not. Thus, Hipp does not disclose or suggest enhancing an object relative to a stationary object *if the moving object moves relative to the stationary object*. For this additional reason, claims 1, 22, and 31, and their respective dependent claims, are believed allowable over Hipp.

Claims 40, 43, 46, 49, 50, 53, and 56 stand rejected under 35 U.S.C. § 1029b) as allegedly being anticipated by U.S. Patent No. 6,075,557 (Holliman).

Claim 40 recites that the act of determining whether the object has moved comprises *using a contrast associated with the first composite image* (Emphasis Added). According to the Office Action, figure 12 and column 12, lines 33-36 of Holliman allegedly disclose the above limitation. However, the cited passages of Holliman actually disclose performing template matching by finding a correlation between the template and an image area (step 49 of figure 12). The correlation is then compared with a preset threshold (step 50 of figure 12). Notably, the correlation value in Holliman is a value derived from the template and the image area, and therefore, is not a composite image, nor is it a contrast of the composite image. There is nothing in the cited passage that discloses or suggests *a composite image*, nor does it disclose or suggest determining object movement using *a contrast* of the composite image.

Also, according to the Office Action, column 11, lines 33-38 of Holliman allegedly discloses that the motion is determined using a deferential method, and therefore, Holliman discloses determining motion using a contrast resulting from the difference. However, Applicant respectfully notes that column 11, lines 33-38 of Holliman actually disclose that the so called “differential movement method” determines the movement (i.e., the differential movement) of the target image between consecutive fields. There is nothing in this passage that discloses or suggests *a composite image*, nor is there anything in this passage of Holliman that discloses or suggests using *a contrast* of a composite image to determine object movement.

For at least the foregoing reasons, claims 40, 50, and 53, and their respective dependent claims are believed allowable over Holliman.

CONCLUSION

If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number **VM 03-009**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number **VM 03-009**.

Respectfully submitted,

DATE: August 20, 2008

By: /Gerald Chan/
Gerald Chan
Registration No. 51,541

VISTA IP LAW GROUP, LLP
1885 Lundy Ave., Suite 108
San Jose, California 95131
Telephone: (408) 321-8663 (Ext. 203)
Facsimile: (408) 877-1662